

3968. Misbranding of "Peerless Dairy Ration." U. S. * * * v. Clover Leaf Milling Co., a corporation. Plea of guilty. Fine, \$20. (F. & D. No. 5941. I. S. No. 8010-e.)

On March 3, 1915, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Clover Leaf Milling Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 8, 1913, from the State of New York into the State of Vermont, of a quantity of so-called "Peerless Dairy Ration" which was misbranded. The product was labeled: (On sack) "100 lbs. Peerless Dairy Ration, Manufactured by Clover Leaf Milling Co., Buffalo, N. Y. Made of gluten feed, distiller's grains, wheat bran, cotton seed meal, molasses and a small percentage of salt Guaranteed analysis: Protein 21 to 23%, Fat 7 to 9%, Fiber 9% Clover Leaf Milling Co., Buffalo, N. Y."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent).....	16.09
Ether extract (per cent).....	2.94
Protein (per cent).....	16.53
Crude fiber (per cent).....	8.77

Misbranding of the product was alleged in the information for the reason that the following statements, "Protein 21 to 23%, Fat 7 to 9%," appearing on the label aforesaid, were false and misleading, in that they indicated to the purchaser thereof that the article contained 21 to 23 per cent of protein, and 7 to 9 per cent of fat, when, in truth and in fact, the said article contained a less amount of protein and fat, to wit, 16.53 per cent of protein and 2.94 per cent of fat.

Misbranding was alleged for the further reason that the article was labeled "Protein 21 to 23%, Fat 7 to 9%," so as to deceive and mislead the purchaser into the belief that it contained 21 to 23 per cent of protein and 7 to 9 per cent of fat, when, in fact, it contained a less amount of protein and fat, to wit, 16.53 per cent of protein and 2.94 per cent of fat.

On April 6, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.